



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

May 6, 2014

BY ELECTRONIC MAIL & U.S. MAIL

William H. Hyatt, Jr., Esq.
K&L Gates LLP
One Newark Center, Tenth Floor
Newark, NJ 07102-5285

Re: Diamond Alkali Site - Lower Passaic River Study Area
Request for Extension of Public Comment Period
on Focused Feasibility Study and Proposed Plan

Dear Mr. Hyatt:

This will respond to your letter dated April 23, 2014, submitted on behalf of the Cooperating Parties Group (CPG), in which you request an extension of the public comment period on the Focused Feasibility Study (FFS) and Proposed Plan for the lower 8 miles of the Lower Passaic River Study Area. The Proposed Plan, released on April 11, 2014, provides for a public comment period ending on June 20, 2014.

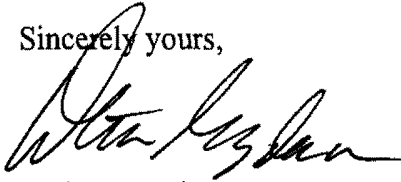
Consistent with the National Contingency Plan, 40 C.F.R. 430(f)(3)(C), EPA agrees to extend the public comment period until July 21, 2014. This represents a 31-day extension, since July 20, 2014 is a Sunday.

While EPA has agreed to the CPG's extension request, we do not agree that EPA has delayed the CPG's analysis of the FFS by declining to share any "significant level of technical detail" with non-governmental stakeholders including the CPG. In fact, EPA has made a significant amount of technical information available to the CPG and the public. EPA has presented information at meetings of the Community Advisory Group, which the CPG attends. EPA has met with the CPG during development of the FFS to discuss technical issues common to the FFS and 17-mile study. EPA has provided several information packages about the FFS to the CPG, and other stakeholders, when requested to do so and at key points in the project. EPA has shared its model codes, inputs and outputs on several occasions, and has provided other technical information to the CPG.

The Proposed Plan and the documents in the administrative record file should inform the CPG and the public about the alternatives that EPA has evaluated, including EPA's preferred

alternative. As stated in the Proposed Plan, EPA is soliciting public comment on all the alternatives. Comments received by EPA, including those submitted by the CPG, will be addressed in the responsiveness summary section of the Record of Decision.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Walter Mugdan", written in a cursive style.

Walter Mugdan
Director, Emergency and Remedial Response Division

cc: E. Schaaf, ORC
R. Basso, ERRD
A. Yeh, ERRD
S. Flanagan, ORC
P. Hick, ORC